

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES D. HARRISON,
Petitioner,

No. C 10-2729 SI (pr)

ORDER OF DISMISSAL

v.

JACQUEZ, warden,
Respondent.

On June 22, 2010, petitioner filed a habeas petition to commence this action. Although the first page of the form petition was filled in, and the last page was signed, every other portion of the form was left blank. That day, the court sent written notice to petitioner that he needed to file a completed habeas petition form and that he needed to file an in forma pauperis application. He then sent the petition form back to the court, leaving it blank but attaching to it a piece of paper on which he wrote that he used to be “in tremendous shape,” and that the last SHU term “nearly destroyed him mentally and physically.” (Docket # 5.) In “conclusion” he wrote: “Contact Mr. Big Ben, US Attn. . . Eastern District . . . P. S. Defendants crossed the realm of torture.” Id. He also filed a motion for appointment of counsel (Docket # 4) that had generic allegations of a need for appointment of counsel and an application to proceed in forma pauperis (Docket # 7). He also filed a one-page document entitled “Bivens action,” in which he wrote, “The romance of politics was best used to numb and quell the ears of the uninformed.” (Docket # 6).

The action is DISMISSED for failure to state a claim upon which relief may be granted.

1 Leave to amend will not be granted because it would be futile. Harrison was already notified
2 by the clerk that he needed to submit a completed petition, and chose to respond by filing a
3 petition that was blank and had a note attached that raised no legal claim.


4 The motion for appointment of counsel is DENIED. (Docket # 4.)

5 The in forma pauperis application is GRANTED. (Docket # 7.)

6 The clerk shall close the file.

7 IT IS SO ORDERED.

8 DATED: December 6, 2010



SUSAN ILLSTON
United States District Judge